Supreme Court, U. S.
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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1979

No. 79-974

STATE OF MINNESOTA,

*Petitioner,*

v.

BERNARD CLARK, *et al.*,

*Respondents.*

***On Petition for a Writ of Certiorari to the Supreme Court of the State of Minnesota***

## BRIEF FOR THE STATE OF SOUTH DAKOTA, *ET AL.*, AS AMICI CURIAE IN SUPPORT OF PETITION

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(Other States Joining Set Forth On Inside Cover)

The following States, by their respective Attorneys General, join in the views expressed herein:

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Certain other interested States did not have an opportunity to fully examine the merits of the question presented prior to the printing of this Brief. The Office of the Clerk will be advised directly if those States elect to join in the views expressed herein.

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The State of South Dakota and the other States joining herein have a general interest in the manner in which any question of Federal Indian Law is resolved. With respect to the instant case, the issue of reservation status is of particular importance to those States containing historic reservation areas, such as the Amici States here, since the resolution of this issue can significantly

affect the extent to which the States may exercise jurisdiction within those areas. Thus, the principles and guidelines used by the courts in resolving the question of reservation status are of paramount concern to the States joining in this Brief.

The Amici States concur in the arguments advanced by the State of Minnesota in the Petition for Writ of Certiorari, and share that State's concern that the decision of the Minnesota Supreme Court in the instant case conflicts with this Court's decisions in *DeCoteau* v. *District County Court*, 420 U.S. 425 (1975) and *Rosebud Sioux Tribe* v. *Kneip*, 430 U.S. 584 (1977) and, if left to stand, will seriously erode the principles expressed therein. The Amici Curiae therefore support the Petition for Writ of Certiorari, adopting the arguments articulated therein, and urge that the Petition be granted.

Respectfully submitted,

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February, 1980